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Dkt. No. 02198/000M991-USO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Marcus Franz et al.

Serial No.: 10/613,979

Confirmation No.: 4345

Filed: July 3, 2003

For: PROCESS AND APPARATUS FOR GENERATING HYDROGEN

November 21, 2003

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted in accordance with 37 C.F.R. 1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

1. This IDS should be considered, in accordance with 37 C.F.R. 1.97, as it is filed: (Check one of the boxes A-D)
 - A. Within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above-identified international application.
 - B. before the mailing date of a first office action on the merits, or a first office action after filing a request for continued examination.
 - C. after (A) and (B) above, but before the mailing date of a final rejection, a notice of allowance, or any other action that closes prosecution, and

Applicants have made the necessary statement in box "i" below or paid the necessary fee in box "ii" below.

(check one of the boxes "i" and "ii" below:)

i. Counsel states that, upon information and belief, each item of information listed herein was either (a) cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or (b) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of undersigned after making reasonable inquiry, was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.

ii. A check for the fee set forth in 1. 17(p), presently believed to be \$180, is enclosed.

D. after (A), (B) and (C) above, but before payment of the issue fee: Counsel states that, upon information and belief, each item of information listed herein was either (i) cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the IDS; or (ii) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.

i. A check for the fee set forth in 1.17 (p), presently believed to be \$180, is enclosed.

2. In accordance with 37 C.F.R. 1.98, this IDS includes a list (e.g., form PTO-1449) of all patents, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. A copy of each document listed is attached, except as explained below.

(check boxes A and/or B and fill in blanks, if appropriate.)

A. Document(s) _____ is (are) deemed substantially cumulative to document(s) _____, and, in accordance with 1.98(c), only a copy of each of the latter documents is enclosed.

B. Certain documents were previously cited by or submitted to the Office in the following prior applications, which are relied upon under 35 U.S.C. 120:
[SERIAL NO. & FILING DATE].

Applicant Identifies these documents by attaching hereto copies of the forms PTO-892 and PTO- 1449 from the files of the prior application(s) or a fresh PTO- 1449 listing these documents, and request that they be considered and made of record in

accordance with 1.98(d). Per 37 CFR 1.98(d), copies of these documents need not be filed in this application.

[X] 3. Cite Nos. BA-BH are not in the English language. In accordance with 1.98(c), Applicant states:

- [X] An English translation of the Abstract of each document (or of the pertinent portions thereof), or a copy of each corresponding English-language patent or application, is enclosed.
- [] A concise explanation of the relevance of document(s) _____ is found in the attached search report (see MPEP § 609 A(3)x).
- [] A concise explanation of the relevance of document(s) _____ is set forth as follows: [Insert concise explanation of relevance]
- [] A concise explanation of the relevance of document(s) _____ can be found on pages _____ of the specification.
- [] A concise explanation of document(s) _____ can be found on the attached sheet.

[] 4. No explanation of relevance is necessary for documents in the English language (see MPEP § 609 A(3)).

[X] 5. Other information being provided for the examiner's consideration follows:

A copy of a German Office Action dated 2/17/2003, which issued during the prosecution of Applicant's German Patent Application No. 102 30 149.2, which corresponds to the present application, is enclosed.

6. In accordance with 37 C.F.R. 1.97(g) and (h), the filing of this IDS should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in § 1.56 (b), or that any cited document listed or attached is (or constitutes) prior art. Unless otherwise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant reserves the right to prove that the date of publication is in fact different.

CROSS REFERENCE UNDER 37 C.F.R. § 1.78 TO RELATED APPLICATIONS

Pursuant to 37 C.F.R. § 1.78, Applicant notes that the above-identified patent application may be related to the following U.S. Patent Applications:

(1) U.S. Patent Application Serial No _____, filed _____.

Early and favorable consideration is earnestly solicited.

Respectfully submitted,


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Substitute for form 1449A/B/PTO				Complete if Known	
				Application Number	10/613,979-Conf. #4345
				Filing Date	July 3, 2003
				First Named Inventor	Marcus Franz
				Art Unit	N/A
				Examiner Name	Not Yet Assigned
Sheet	1	of	1	Attorney Docket Number	02198/000M991-US0

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)			
BA	WO-98/21523-A2	05-22-1998	Invent GMBH - Entwicklung Neuer Technologien		T ⁶
BB	DE-38 75 305-A1	02-15-1989	Davy McKee Corp.		
BC	DE-695 14 525-A1	01-12-2000	Shell Internationale Research Maatschappij B.V.		
BD	DE-698 06 760-A1	07-24-2002	Ingvar Heininger		
BE	DE-195 27 583-A1	01-30-1997	Max Rhodius GMBH		
BF	DE-43 22 109-C2	01-12-1995	Dr. Franz Durst, et al.		
BG	DE-695 06 869-A1	12-23-1998	Johnson Matthey plc		
BH	DE-38 10521-A1	10-13-1988	Toyo Engineering Corp.		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			T ²

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.